

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KELLEY TROY COOLEY, JR.,)
)
 Plaintiff,)
v.) C.A. No. 06-160 Erie
)
)
DETECTIVE SGT. JOHN BARBER,)
et al.,)
 Defendants.)

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on July 18, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on May 11, 2007 [42], recommended that: (1) the motion to dismiss filed by Defendants WJET-TV, Lafferty, and Mullenax [19] be granted; (2) the motion to dismiss filed by Defendant Barber [22] be granted; and (3) the motion to dismiss filed by Defendants Mead, Howard, and Thompson [24] be granted. The parties were allowed ten (10) days from the date of service to file objections. Plaintiff's objections [45] were filed on June 21, 2007, and Defendants' responses [46] and [47] were filed on June 27 and 28, 2007.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation, Plaintiff's objections and the Defendants' responses thereto, the following order is entered:

AND NOW, this 5th Day of July, 2007, IT IS HEREBY ORDERED that:

- (1) the motion to dismiss filed by Defendants WJET-TV, Lafferty, and Mullenax [19] is GRANTED;
- (2) the motion to dismiss filed by Defendant Barber [22] is GRANTED; and

(3) the motion to dismiss filed by Defendants Mead, Howard, and Thompson [24] is GRANTED.

The report and recommendation of Chief Magistrate Judge Baxter dated May 11, 2007 [42] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: all parties of record
Chief U.S. Magistrate Judge Susan Paradise Baxter